

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 263-2222 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.bpelsg.ca.gov**OFFICIAL NOTICE AND AGENDA****MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS****Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Third Floor Conference Room****December 5, 2013
Beginning at 9:00 a.m.**

The meeting is open, and the public is invited to attend. The meeting facilities are barrier-free in accordance with the Americans with Disabilities Act. A person who needs disability-related accommodations or modifications in order to participate in the meeting shall make a request by contacting Celina Calderone at (916) 263-2230 or email celina.calderone@dca.ca.gov or sending a written request to Ms. Calderone at the Board for Professional Engineers, Land Surveyors, and Geologists, 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations.

For further information regarding this meeting, please contact Celina Calderone at (916) 263-2230. Electronic copies of this Official Notice and Agenda are available at <http://www.pels.ca.gov>.

NOTE: All times indicated and the orders of business are approximate and subject to change. Regardless of the position of Closed Session shown on the agenda, the Board typically conducts Closed Session during the lunch break and for a period of time immediately after as necessary. It is anticipated that the Board will break for lunch from approximately 12:00 p.m. to 1:00 p.m.

Copies of the bills may be obtained by the public through the Bill Room at the State Capitol. You may also access all California statutes, regulations, and pending bills through the Legislative Counsel's Internet website at <http://www.leginfo.ca.gov>.



Represents items from the Strategic Plan

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**AGENDA****MEETING OF THE BOARD FOR PROFESSIONAL
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS****December 5, 2013
Beginning at 9:00 a.m.**

Board Members: Erik Zinn, President; Kathy Jones Irish, Vice President; Diane Hamwi; Carl Josephson; Coby King; Mike Modugno; Philip Quartararo; Hong Beom Rhee; Ray Satorre; Jerry Silva; Robert Stockton; and Patrick Tami

- I. **Roll Call to Establish a Quorum**
- II. **Public Comment**

NOTE: The Board cannot take action on items not on the agenda. The Board will allow for Public Comment as well as during the discussion of each item on the agenda.
- III. **Executive Officer's Report**
 - A. Legislation
 - 1. Discussion of Legislation for 2013: AB 186, AB 1057, AB 1063, and SB 207 (Possible Action)
 - 2. Legislative Proposals for 2014 (Possible Action)
 - a. Recommendation to Establish a Code Section Regarding Petitions for Reinstatement or Modification of Penalty in the Geologist and Geophysicist Act
 - b. Recommendation to remove Petroleum Geologists certification from code section 7842
 - B. Presentation regarding Sunset and Legislative Process
G.V. Ayers, Consultant SBPDC
 - C. Strategic Plan 
 - D. Personnel
 - E. Administrative Task Force (Possible Action)
 - F. BreEZe Status Update
- IV. **Enforcement**
 - A. Enforcement Statistical Reports (Possible Action) 
- V. **Exams/Licensing**
 - A. Update on October 2013 Exams (Possible Action)
- VI. **Approval of Delinquent Reinstatements (Possible Action)**

- VII. **Consideration of Rulemaking Proposals** (Possible Action) 
- A. Update on Board Rules 420.1 and 3021.1 (16 CCR 420.1 and 3021.1), Engineers, Land Surveyors, Geologists, and Geophysicists Applicants Fingerprints
 - B. Update on Board Rules 416 and 3060 (16 CCR 416 and 3060) (Substantial Relationship Criteria)
 - C. Update on Board Rules 442 and 3035 (16 CCR 442 and 3035) Examination Subversion
 - D. Update on Board Rules 411, 412, 3008, and 3009 (16 CCR 411, 412, 3008, and 3009), Engineers, Land Surveyors, Geologists, and Geophysicists Seal, Signature, and Address Change
- VIII. **Administration**
- A. FY 2013/14 Budget Overview (Possible Action)
 - B. Out-of-state Travel Update (Possible Action)
- IX. **Technical Advisory Committees** (TACs)
- A. Board Assignments to TACs (Possible Action)
 - B. Appointment of TAC Members (Possible Action)
 - C. Reports from the TACs (Possible Action)
- X. **Liaison Reports**
- A. ASBOG (Possible Action)
 - B. ABET (Possible Action)
 - C. NCEES (Possible Action)
 - 1. Patrick Tami - Nomination for Western Zone VP (Possible Action)
 - D. Technical and Professional Societies (Possible Action)
- XI. **Closed Session** – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126 (e)(1), and 11126(e)(2)(B)(i)]
- A. Civil Litigation
 - 1. Dennis William McCreary vs. Board for Professional Engineers, Land Surveyors, and Geologists, Sierra County Superior Court Case No. 7361
 - 2. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS
 - 3. Ruvn Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145675
 - 4. Ruvn Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145796
- XII. **Open Session to Announce the Results of Closed Session**
- XIII. **President's Report/Board Member Activities**

- XIV. **Approval of Consent Items** (Possible Action)
(These items are before the Board for consent and will be approved with a single motion. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)
 - A. Approval of the Minutes of the October 10, 2013, Board Meeting
- XV. **Other Items Not Requiring Board Action**
- XVI. **Adjourn**

PUBLIC COMMENT

Time is allotted during the meeting to provide members of the public with an opportunity to address the Board. The time allotted for each member of the public to address the Board may be limited by the Board based on the number of individuals wishing to speak.

It is requested that the speakers stand or come forward as they are recognized to speak. It is also requested, but not required, that the speakers give their names and any organizations they represent.

The public may speak on items on the agenda during the Public Comment item or when the specific item comes up for discussion by the Board. If the Board does not notice a person's request to speak during discussion of an item, it is not a deliberate attempt to limit comment. It is sometimes difficult to notice a raised hand in a meeting room. If the Board does not notice you at first, please stand so that you may be recognized to speak.

The public may speak on items not on the agenda; however, the Board may not discuss or take action on such items at this meeting. Board members cannot engage in dialogue, other than to request clarification from the speaker, regarding items not on the agenda due to constraints imposed by law. The Board may direct staff to follow up on the item with the speaker or may direct that the item be placed on the agenda of a future meeting for discussion.

The Board asks that you not discuss a pending application or a disciplinary complaint matter because the Board members will be the "judges" who ultimately decide the matter, and, by law, they are not permitted to receive information that is not part of the official administrative record in the matter. Any issues relating to such matters should be addressed in writing to the Board's Executive Officer. If a person attempts to speak on such a matter, the person will be instructed to refrain from making further comments.

If a person becomes disruptive, the person will be requested to cease the disruptive behavior. If the person fails to do so, the Board is allowed by law to request that the person leave the meeting and may even have the person removed if he or she fails to leave.